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December 23, 2015

**BY ECF**

Honorable Judge Paul G. Gardephe  
Southern District of New York  
40 Foley Square, Room 2204  
New York, NY 10007

Re: Jones v. The City of New York, 14-cv-8927

Dear Honorable Judge Gardephe:

I write to ask the Court's assistance in obtaining video of the incident which is the subject of this case. I refer the Court to prior correspondence on this matter, which I will summarize as briefly as I can. (See Docket Nos. 22 – 28). The plaintiff was beaten by guards in a location within Riker's Island which is under video surveillance. In April, the defendants promised to produce this video. They did nothing until September, when they produced it in a form that not even counsel for the defendants could open. More than a month later, counsel for the defendants incorrectly advised me that software available on the internet would open the file. I tried this software, and it did not work.

Riker's Island apparently uses a security system designed by a company called Genetec. The Genetec system outputs video in a proprietary format, called a G64 file, which cannot be played on non-Genetec software. The defendants have claimed – wrongly, as I will explain below – that the Genetec system is not capable of outputting video in any format other than the proprietary G64 format. As I will explain, the Genetec Corporation informed me that their system can output video in a non-proprietary, widely readable format.

However, to return to my account of the long and dreary history of this issue: the defendants eventually produced a new disk. This new disk contained video files that are once again in the proprietary G64 format. The disk also purportedly contained video player software that would open the video files. This video player is apparently supposed to work in a fashion that is analogous to how Acrobat Reader works for .pdf files. It purportedly can be installed on a computer and will open G64 files, but cannot perform whatever other functions the Genetec security system software performs. I have tried to install this reader on a computer in my office – it did not work. Two clients of mine who work with video on a semi-professional basis attempted to install and use the viewer on

their computers and were unable to do so. One of these clients informed me that he spent 3 hours using various other programs and researching this format, with no success.

To summarize: thus far, the defendants have produced the video only in this proprietary format. I cannot view the proprietary files. The purported video player software does not work.

**I have contacted eight companies specializing in either video processing or security systems, and I have been unable to find a company that will convert this proprietary video into another format.** One of the video companies, iDigitize, attempted to convert the files before informing me that they lacked the ability to do so. The others told me that they were unfamiliar with the file type and were unable to work with it. Of the five security companies I spoke with, one claimed to have the ability to convert G64 files to another format, but stated that they would only perform that service at the behest of one of their clients whose Genetec security system they managed.

I contacted Genetec. Genetec does not perform services for non-clients but the Genetec representative<sup>1</sup> informed me:

**"If you would like [the video] in a different format, you can see the person who you got the video from. When they use Security Center, they have the option to export it in a .ASF format or a .G64 format. A video in a .ASF format can be viewed using most Standard Video Players."**

The position of counsel for the defendants has been: "This is the only format in which the video exists." (Ben Kuruvilla email dated Oct. 30<sup>th</sup>). This may be what counsel was told by someone at Riker's Island, but according to Genetec, that statement is false.

To repeat: **The Genetec system can output the video in a non-proprietary, commonly-viewable format.**

This issue needs to be resolved. If nothing else, at some point there will probably be a summary judgment motion in this case, and **the Court** will have to be able to view this video. The video is important to the case – it is video of the incident at issue. At this point in time, I have probably spent more time on this video issue than everything else in the case combined. I have no further options.

The defendants, however, do have an option. According to Genetec: **"they have the option to export it in a .ASF format or a .G64 format. A video in a .ASF format can be viewed using most Standard Video Players."**

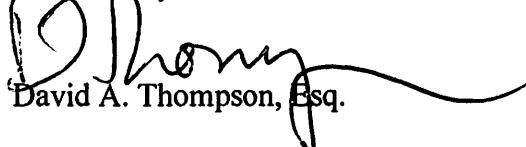
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<sup>1</sup> Sheldon Ho, Inside Sales Representative P: Toll Free +1-866-684-8006 ext 6764 | F: +1-514-332-1692 | [sho@genetec.com](mailto:sho@genetec.com) 2280, Alfred-Nobel Blvd, suite 400, Montreal, QC, H4S 2A4, Canada.

I respectfully request that the Court take this issue in hand. If the Court considers that a formal Rule 37 motion is desirable, then I request that the Court accept this letter as a pre-motion letter to schedule such a motion. For scheduling purposes, please know that I will be out of the office on a brief vacation until January 7<sup>th</sup>.

I thank the Court for the Court's kind consideration, and wish the Court a happy holidays.

Respectfully submitted,

  
David A. Thompson, Esq.

**List of Video and Security Companies**  
**Contacted by the Plaintiff**

I called several businesses that specialize in video conversion or transfer. None were able to assist converting these videos (.G64 files) to any other format.

Company	Result
Rainbow Video Duplicating, Inc. Video Duplication Service 505 8th Ave (212) 594-0545	CANNOT DO THESE FILES
DiJiFi Video Production Service 1166 Manhattan Ave (646) 519-2447	CANNOT DO THESE FILES
iDigitize Video Transfer Video Duplication Service 305 W Broadway (212) 203-1754	CANNOT DO THESE FILES

I called several businesses that specialize in security systems. None were able to assist converting these videos (.G64 files) to any other format.

Company	Result
SecureWatch24 LLC, One Penn Plaza Suite 4000 NY, NY 10119 (212) 729-5400	Stated that they are capable of converting files, but will do so only at the request of a client whose video security system they maintain.
DGA Security Systems, Inc. 429 West 53rd Street New York, New York 10019 (212) 221.2300	CANNOT DO THESE FILES
Tyco Integrated Security (877) 420-9885	DO PROVIDE THIS KIND OF SERVICE
AISG NY HQ 15-01 132nd Street College Point, NY 11356 (877) 496-8145	DID NOT RETURN CALL
Spy Store 224 West 4th St. 2nd Floor NY NY 10014 (646) 789-4868	CANNOT DO THESE FILES